

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**SHELLY R EVANS**

Claimant

**APPEAL 22A-UI-07885-DH-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CASEYS MARKETING COMPANY**

Employer

**OC: 02/20/22**

**Claimant: Respondent (6)**

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Iowa Code § 96.6(3) - Filing - Appeals  
Iowa Admin. Code r. 871-24.28 - Previous Adjudication

**STATEMENT OF THE CASE:**

The employer/appellant, Casey's Marketing Company, appealed the March 23, 2022, (reference 02) unemployment insurance decision that allowed benefits based upon finding the record for the 02/24/22 dismissal from work showed a decision on this separation was made on a prior claim that remains in effect. Notices of hearing were mailed to the parties' last known addresses of record for a telephone hearing scheduled for May 12, 2022. The claimant, Shelly Evans, personally participated. The employer participated through Nicholas Wakefield, district supervisor and party representative, and Rosoind Gustafson, store manager. The following hearings were held together as part of a consolidated hearing: Appeals 22A-UI-07884-DH-T, and 22A-UI-07885-DH-T. Judicial notice was taken of the administrative record, including DBRO and KFFD.

**ISSUE:**

Has the issue been previously adjudicated?

**FINDINGS OF FACT:**

Having heard the testimony and reviewed the evidence in the record, the undersigned finds:

The issue in this decision is identical to the issue previously adjudicated in the companion case, 22A-UI-07884-DH-T, which reversed the granting of benefits, finding there was misconduct, and while there was overpayment, it does not have to be repaid, as employer failed to participate in fact finding, therefore, employer is to be charged.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes as follows:

Iowa Code section 96.6(3) provides:

3. Appeals.

a. Unless the appeal is withdrawn, an administrative law judge, after affording the parties reasonable opportunity for fair hearing, shall affirm or modify the findings of fact and decision of the representative. The hearing shall be conducted pursuant to the provisions of chapter 17A relating to hearings for contested cases. Before the hearing is scheduled, the parties shall be afforded the opportunity to choose either a telephone hearing or an in-person hearing. A request for an in-person hearing shall be approved unless the in-person hearing would be impractical because of the distance between the parties to the hearing. The notice for a telephone or in-person hearing shall be sent to all the parties at least ten calendar days before the hearing date. Reasonable requests for the postponement of a hearing shall be granted. The parties shall be duly notified of the administrative law judge's decision, together with the administrative law judge's reasons for the decision, which is the final decision of the department, unless within fifteen days after the date of notification or mailing of the decision, further appeal is initiated pursuant to this section.

b. Appeals from the initial determination shall be heard by an administrative law judge employed by the department. An administrative law judge's decision may be appealed by any party to the employment appeal board created in section 10A.601. The decision of the appeal board is final agency action and an appeal of the decision shall be made directly to the district court.

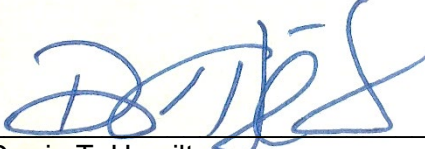
Iowa Admin. Code r. 871-24.28(6) provides:

Voluntary quit requalifications and previously adjudicated voluntary quit issues.  
(6) The claimant voluntarily left employment. However, there shall be no disqualification under Iowa Code section 96.5(1) if a decision on this same separation has been made on a prior claim by a representative of the department and such decision has become final.

Here, the disqualification is misconduct and not a voluntary quit issue. The prior adjudication is in the same claim year. The matter having been adjudicated in 22A-UI-07884-DH-T, this appeal is dismissed as having been previously adjudicated.

**DECISION:**

The March 23, 2022, (reference 02) unemployment insurance decision is **DISMISSED** as being previously adjudicated in 22A-UI-07884-DH-T and that decision governs.



Darrin T. Hamilton  
Administrative Law Judge

May 20, 2022  
Decision Dated and Mailed